



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 21, 2006, 8:00 p.m.**

MEETING

The Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Halliday.

ROLL CALL

Present: COUNCIL MEMBERS Quirk, Jimenez, Halliday, Ward, Dowling, Henson
MAYOR Cooper
Absent: COUNCIL MEMBERS None

PUBLIC COMMENTS:

Inae Houa and several members of the Mt. Eden High School Band announced an upcoming fundraiser, a Crab Feed at All Saints on March 4th to help pay for expenses for a musical performance in Hawaii. He introduced the Mt. Eden High music instructor, Mr. Cato, who reported previous activities of the band.

Mayor Cooper appreciated them and also announced that the Hayward Honor Band will be performing at the Chabot College Theatre on Sunday, February 26 at 2 p.m.

Nasar Al-Musawwir and Erika Walker also announced a Hayward High fundraiser, Soul Food Night that will assist students in attending a State Convention. It will be sponsored by the Black Student Union at the school. The students reported that they will be starting a group that will assist students in seeking scholarships.

CONSENT

1. Approval of the Minutes of the City Council Meeting of February 14, 2006

It was moved by Council Member Jimenez, seconded by Council Member Henson, and carried unanimously to approve the minutes of the City Council Meeting of February 14, 2006.

HEARING

2. Zone Change PL-2005-0322 ZC – Request to Amend the Pre-Zoning Designations for the Site to Planned Development (PD); Vesting Tentative Map PL-2005-0323 TTM 7354 - Request to Subdivide a 50-Acre Site to Develop 126 Single-Family Residential Lots; Development Agreement PL-2005-0358 DA – Request for Approval of a Development Agreement in Association with the Proposed Development; Jack Smith, Garin Vista, LLC (Applicant), Howard M. Settle, Andrew E. Garin, Richard S. Warren, Sr. and Annette P. Warren, Maxine Theobald, John M. McKenzie and Lia F. McKenzie (Owners)

DRAFT

Staff report submitted by Senior Planner Rizk, dated February 21, 2006, was filed.

Senior Planner Rizk made the report indicating that the 50.4 acre site is a former quarry and the proposal is for 126 single-family residential lots with related streets and will include a 1.9 acre private park and some additional open space. Alquire Parkway will be extended and a new public street will be constructed for service to this development as well as two emergency access points, one from Clearbrook Street and the other from Garin Avenue. There will be a condition of approval for open space to the north of the development that must be dedicated in perpetuity open space and will be combined with the proposed La Vista development open space. Staff has recommended and the developer supports the creation of a geologic hazard abatement district for maintenance of the area. He described the upgrades to the water and storm drain systems, the off hauls that will occur, the landscape plan that proposes over 900 trees, and the planned development. As part of the development agreement, the applicant has proposed to provide \$1 million towards a community center. He depicted the architectural designs and color schemes of the downhill and uphill homes and provided home and driveway sizes.

Senior Planner Rizk stated that the Bodega Street residents will be provided a new, improved access and the developer will provide improvements to sewer and water access. He noted that the residents have submitted a letter requesting that their properties be rezoned to medium density residential.

With regard to the recommended mitigated negative declaration, Senior Planner Rizk noted the major issues such as the naturally occurring asbestos on this site and the strict requirements by the State and staff on its removal. He also reported that the earthquake fault traces and landslides will be addressed. There will be the implementation of a fuel management plan to address wild fire concerns as approved by the Fire Department. Any hazardous materials, such as that identified on the McKenzie property, will be removed as directed and mitigated measures will occur to insure protection of biological resources. He summarized the staff recommendation, reiterated the actions to be considered and responded to Council questions.

Council Member Dowling asked how long the dirt hauling will be. Senior Planner Rizk reported that it will be addressed in the grading plan. Council Member Dowling asked whether asbestos materials were also located at the La Vista project. It was affirmed. Council Member Dowling asked for further clarification on the slopes. Staff provided photos of slopes that are rather steep and unnatural due to past grading. With this project, staff is requiring that steep portions will be smoothed out, roadways will meet City standards and soil removal and re-contouring of the entire site will also occur.

Council Member Henson asked about the Geologic Hazard Abatement District process. City Manager Armas described the ordinance that Council previously adopted that approves this type of district formation as a precaution and as a means of identifying resources that would be available on an on-going basis. He noted that the developer has agreed with the City to create this district to address any future issues with potential slides and provide a mechanism to address current and future drainage issues. Funding for the district will be initially provided by the developer and subsequently by the property owners. Council will need to approve the proposed district.



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Senior Planner Rizk responded to Council Member Henson's question on the emergency access point on Clearbrook. He stated that the Fire Department will make the recommendation on how it will be used in emergencies.

Council Member Jimenez indicated that as the former fire chief, he agreed with providing the fire emergency access points and spoke in favor of the amenities of the proposed development.

Council Member Quirk asked about the setbacks on the driveways. He also asked whether there is a condition that the concrete drains around the house be natural tone colors. Staff affirmed that the color scheme is consistent with the special design district requirements. He also asked about traffic activity that will occur on Alquire Parkway. It was noted that there will be nominal impact given the number of units to be developed. Additional developments will require further evaluation of traffic impacts on Alquire Parkway.

There was further discussion on the location of the earthquake fault and the slope deviations that are acceptable by the fire department for access. Open space will be maintained by the GAD that will provide regular maintenance and assist to minimize any future catastrophic activity. This site was not "reclaimed" after the quarry was closed, but will be addressed and corrected during this development.

Council Member Halliday asked about the request by the Bodega Street for rezoning. It was noted that medium residential would be about 4,000 square foot lots and the Bodega Street acreage is about nine or ten acres. She suggested that view photos be provided Council after the homes are built. It was noted that views would be limited to the upper floors of the homes. The City's Inclusionary Housing Ordinance requires 19 affordable units, which will be included at the Saklan Road development.

Mayor Cooper opened the public hearing at 8:52 p.m.

City Manager Armas reported that Ms. Dareing and Mr. Summers of DeSilva Group have reached a tentative agreement related to acquisition of certain property.

John "Jack" Smith, representing Garin Vista, commended the Public Works department, the Planning staff and agreed with the staff recommendations, including the development agreement. He described the house sizes that will go up to 2,600 square feet with spectacular views and a good price. He commended staff for working with Mr. Callahan and in particular, City Manager Armas and Mr. Summers for reaching agreement with Ms. Dareing and documents have been prepared to conclude those negotiations. He hoped for five votes in support in order to proceed with condemnation efforts if needed.

Lynn Shinn reported that she will be affected by the street abandonment. She has agreed with the deSilva Group on improvements to her property, which is proposed to be surrounded by the new access roads. She expressed her concern about visibility and security issues, noise factors and

reported that she has been offered some fencing and some heavy landscaping that help to alleviate her concerns.

Joe Callahan, representing Garin Vista LLC, Frank Berlogar, geotechnical expert, Pete Ruggeri, project engineer, and Martin Inderbitzen, representing the McKenzie property, submitted cards to respond to Council questions, but did not speak.

Mayor Cooper closed the public hearing at 9:06 p.m.

Council Member Quirk made the motion to accept the staff recommendation.

Council Member Dowling expressed his concerns with development in the hills and was against further development above the ridge line. He would not be supporting this development.

Council Member Halliday thanked everyone who participated in making this development work. She thought this would be a safety improvement, but had strong feelings about this development. She described her experience in driving through the Clearbrook neighborhood and stated that she would be voting against the proposal.

Council Member Henson commented that he lives in the area and enjoys the views. He noted the various traffic mitigations that have occurred in anticipation of future projects such as this and commented favorably on the proposed community center. He felt that this proposed development will be better engineered with more safeguards in place than other similar developments.

Council Member Jimenez stated that he supports the project.

It was moved by Council Member Quirk, seconded by Council Members Jimenez and Henson, and carried to approve the resolution and introduce two ordinances with the following roll call vote:

AYES: Council Members Jimenez, Quirk, Ward, Henson
MAYOR Cooper

NOES: Council Members Halliday, Dowling

ABSENT: None

ABSTAINED: None

Resolution 06-017, "Resolution Adopting Mitigated Negative Declaration and Conditionally Approving Zone Change Application PL 2005-0322 PD and Vesting Tentative Tract Map PL 2005-0323 TTM 7354 and the Inclusionary Housing Plan"

Intro Ordinance 06-_, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Prezoning Certain Territory in Connection with Zone Change Application PL 2005-0322 PD Relating to the Garin Vista Property in the Mission-Garin Annexation Area"



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Intro Ordinance 06-_, "An Ordinance Authorizing Execution of a Development Agreement for Development of the Garin Vista Project"

COUNCIL REPORTS

Council Member Quirk made a report on his attendance at the East Bay Division of the California League of Cities (LCC) meeting. He indicated that the ABAG Bay Area Vision was discussed. He reported that this was the result of feedback from open forums to receive information on what the future pattern of development should be in the Bay Area. He described the network of neighborhoods development strategy that could accommodate the growth in the Bay Area. The term, "network of neighborhoods," consists of housing developments along major arterials and around transit sites. It was mentioned at that meeting that Hayward is a leader on this type of development. He also noted that the LCC has taken positions on ballot measures and is endorsing an effort to close the loophole in Proposition 42 related to gas tax monies. Lastly, he noted that LCC favors two bond issues to improve infrastructure for libraries and county jails.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 9:17 p.m., with Council Member Jimenez adjourning in memory of longtime resident and avid baseball player, August "Auggie" Gonzales.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward